

**ORDINANCE NO. 1087**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING THE 111 CALEXICO PLACE SPECIFIC PLAN NO. 2008-05 TO CREATE A SPECIFIC PLAN OVERLAY ZONE.**

WHEREAS, Hallwood Calexico Investments, LLC has filed an application requesting approval of the 111 Calexico Place Specific Plan No. 2008-05 for approximately 232 acres of land generally located on the southwest quadrant of Jasper Road and Highway 111 and bounded to the south and west by the Dogwood and Central Main Canals; and

WHEREAS, the Manzanita Tribe entered into a Memorandum of Understanding ("MOU") dated April 4, 2006 with the City of Calexico related to the development of a gaming facility within the City of Calexico and the approval given in this Resolution is based in part on the conditions and agreements in such MOU, which conditions and agreements shall be adhered to and used in conjunction with the conditions set forth in this Resolution; and

WHEREAS, the City Council of the City of Calexico has the authority to approve specific plans; and

WHEREAS, public notice of said application has been given pursuant to law, and the City Council has considered evidence presented by the Development Services Department and other interested parties at a public hearing held with respect to this item on May 5, 2009.

NOW THEREFORE, the City Council of the City of Calexico DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. Prior to approval, the City Council has reviewed and analyzed the 111 Calexico Place Specific Plan No. 2008-05 pursuant to California Government Code Section 65450 et seq., and the City's General Plan and Municipal Code.

SECTION 2A. The City Council has considered and certified proposed Environmental Impact Report No. 2008-07 prior to making a decision to approve the proposed 111 Calexico Place Specific Plan.

SECTION 3. That in accordance with State Planning and Zoning laws and the Calexico Municipal Code, the City Council makes the following findings for the approval of the 111 Calexico Place Specific Plan No. 2008-05:

1. The location and design of the proposed development shall be consistent with the goals and policies of the City's General Plan and with any other applicable plan or policies adopted by the City.

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*The 111 Calexico Place Specific Plan No. 2008-05 meets the City's Specific Plan criteria for content and required implementation of the General Plan established by Section 65450 et seq. of the California Government Code. Accordingly, the proposed Specific Plan is in concurrence with the objectives of the General Plan as amended and the purpose of the land use designation in which the site is located. The distribution, location, and extent of the uses of land, including open space, within the area covered by said plan will be provided in accordance with Chapter 2 (Description of Specific Plan Area) of the 111 Calexico Place Specific Plan.*

*The General Plan which was adopted in May of 2007 includes a residential designation for a portion of the land that is part of the proposed project. However, the land that encompasses the proposed project is currently zoned IR, Rail Served Industrial. The proposed new base zone is CH, Commercial Highway. With the approval of the Specific Plan, a specific plan overlay zone will be adopted so that the zoning is ultimately Commercial Highway-Specific Plan. The proposed specific plan adoption is consistent with the General Plan as amended, including the Housing Element (as amended on May 5, 2009) because the City has an inventory of land adequate to accommodate the jurisdiction's share of the regional housing needs for all income levels pursuant to Section 65580 et. seq. of the State Government Code and such inventory does not include the land for this proposed project. Further, the land for the proposed project is not zoned residential and is not designated for residential development in the City's Housing Element.*

*The proposed action further complies with the goals and objectives of the General Plan, in that the approval of this Specific Plan will assist in achieving the development of a well-balanced and functional mix of commercial, open space and recreational land uses as well as encouraging commercial land uses to diversify Calexico's economic base. The Specific Plan proposes a land use plan that will regulate future development of diversified and varied commercial and retail uses in the City of Calexico. As such, the project will assist the City in promoting a diversified economic base by attracting new commercial, retail, entertainment, and office uses into the City. With increased commercial development, there will be increased employment opportunities and transition from a predominately agricultural economy to a more urban economy. These diversified commercial uses will respond to equally diversified market demands both in the United States and Mexico.*

2. The proposed location shall allow the development to be well-integrated with or adequately buffered from its surroundings, whichever may be the case.

*The project proposes a mixed use development comprised of commercial and retail uses, entertainment facilities, office uses, restaurants and hotel facilities, and public facilities. The project is appropriate to the site and surrounding development. Existing commercial developments are located nearby. The project complements the quality of existing neighboring development and will continue to provide visually-pleasing design and architecture within the immediate area and the City as a whole. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan will be provided in accordance with Chapter 3 (Project Description) of the 111 Calexico Place Specific Plan.*

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3. All vehicular traffic generated by the development, either in phased increments or at full build-out, is to be accommodated safely and without causing undue congestion upon adjoining streets.

*The proposed 111 Calexico Place Specific Plan No. 2008-05 has been reviewed as to its relation to the width and type of pavement needed to carry the type and quantity of traffic generated. The City has evaluated the potential impacts associated with the proposed uses prior to its approval and has conditioned the project to be served by roads of adequate capacity and design standards to provide reasonable access by car, truck, transit, and bicycle. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable will be provided in accordance to Chapter 5 (Development Standards) and Chapter 3 (Project Description), of the 111 Calexico Place Specific Plan.*

4. The Final Specific Plan shall identify a methodology(s) to allow land uses to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by City Code, the City may require that suitable areas be reserved for schools, parks and pedestrian ways; or public open spaces shall be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.

*The 111 Calexico Place Specific Plan No. 2008-05 properly identifies methodologies to allow land uses to be adequately serviced by existing or proposed public facilities and services. The Specific Plan identifies necessary streets and circulation to support the proposed land uses, as well as all necessary wet and dry utilities for proper and adequate infrastructure services. In addition, the Specific Plan upon implementation, will pay all applicable and appropriate fees which will help pay for and provide community services, open space and recreational facilities throughout the community. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3) will be provided in accordance to Chapter 8 (Administration and Implementation) of the 111 Calexico Place Specific Plan.*

5. The overall design of the Specific Plan will produce an attractive, efficient and stable development.

*The proposed 111 Calexico Place Specific Plan No. 2008-05 has been designed in consideration of the size and shape of the property, thereby, strengthening and enhancing the immediate areas and the City as a whole. The project will complement the quality of existing development and future uses by creating visually-pleasing development.*

6. In accordance with the requirements of the California Environmental Quality Act (CEQA), impacts have been reduced to a level of non-significance, or in the case where impacts remain; a statement of overriding considerations must be adopted to justify the merits of project implementation.

*The EIR concluded that the proposed project will result in project-specific and cumulative unavoidable adverse impacts related to air quality; and traffic and circulation. To offset the adversity of the foregoing impacts, the City*

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*will need to approve a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines. The City has determined that the benefits of the proposed project "outweigh" the resultant unavoidable adverse environmental impacts and therefore, these particular adverse impacts will be considered "acceptable".*

SECTION 4. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications therefore which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this ordinance are declared to be severable.

NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico DOES HEREBY APPROVE the 111 Calexico Place Specific Plan No. 2008-05, which is incorporated herein by reference in its entirety, thereby creating a specific plan overlay zone on the Commercial Highway base zone.

City of Calexico

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LOUIS FUENTES, MAYOR

ATTEST:

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LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

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JENNIFER M. LYON, CITY ATTORNEY

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STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) SS  
CITY OF CALEXICO )

I LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, CALIFORNIA DO  
HEREBY CERTIFY THAT UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
A TRUE AND CORRECT COPY OF ORDINANCE NO. 1087 THAT WAS DULY AND  
REGULARLY INTRODUCED AT A REGULAR MEETING OF SAID CITY COUNCIL  
HELD ON \_\_\_\_\_, 2009 AND WAS ADOPTED BY SAID CITY COUNCIL AT A  
REGULAR MEETING HELD ON \_\_\_\_\_, 2009, BY THE FOLLOWING VOTE

AYES: Moreno, Ouzan, Fuentes, Romero, Castro.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

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LOURDES CORDOVA, CITY CLERK

SEAL